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2 Federal Defender  
3 LINDA HARTER, Bar # 179741  
Assistant Federal Defender  
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5 Attorney for Defendant  
6 XAVIER RASHAWN HERNDON

7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA, ) No. CR-S-04-043 FCD  
12 Plaintiff, )  
13 v. ) STIPULATION AND ORDER  
14 XAVIER RASHAWN HERNDON, ) Date: June 13, 2005  
15 ) Time: 9:30 A.M.  
16 Defendant. ) Judge: Hon. Frank C. Damrell  
17 \_\_\_\_\_

18 It is hereby stipulated between the parties, William Wong,  
19 Assistant United States Attorney, attorney for Plaintiff, and Linda  
20 Harter, attorney for defendant XAVIER RASHAWN HERNDON as follows:

21 It is agreed that the current Status Conference set for  
22 May 31, 2005, be vacated, and that a status conference date of June 13,  
23 2005 at 9:30 a.m. be set. The Time is excluded pursuant to 18 U.S.C.  
24 §3161(h)(8)(A).

25 Defense counsel has not received the written plea offer in this  
26 case as of this date. Defense counsel needs the additional time to  
27 receive and review with the defendant the plea agreement. In  
28 addition, defense counsel will be out of town on the date of the

1 current status conference.

2 It is further stipulated and agreed between the parties that the  
3 period beginning May 31, 2005 to June 13, 2005, should be excluded in  
4 computing the time within which the trial of the above criminal  
5 prosecution must commence for purposes of the Speedy Trial Act for  
6 defense preparation. All parties stipulate and agree that this is an  
7 appropriate exclusion of time within the meaning of Title 18, United  
8 States Code, Section 3161(h)(8)(iv) (Local Code T4).

9

10 Dated: May 24, 2005

11 Respectfully submitted,

12 QUIN DENVER  
13 Federal Defender

14 /s/LINDA HARTER  
15 LINDA HARTER  
16 Assistant Federal Defender  
17 Attorney for Defendant  
XAVIER RASHAWN HERNDON

18 MCGREGOR W. SCOTT  
19 United States Attorney

20 Dated: May 24, 2005

21 /s/WILLIAM WONG  
WILLIAM WONG  
Assistant U.S. Attorney

22

23 ORDER

24 **IT IS SO ORDERED.**

25 DATED: June 1, 2005

26 /s/ Frank C. Damrell Jr.  
HONORABLE FRANK C. DAMRELL JR.  
27 District Court Judge

28 Xavier Herndon/Stip and Proposed Order